

United States Court of Appeals  
For the Eighth Circuit

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No. 14-2000

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United States of America,

*Plaintiff - Appellee,*

v.

Lowell Andrew Billy,

*Defendant - Appellant.*

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Appeal from United States District Court  
for the Western District of Arkansas - Ft. Smith

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Submitted: October 1, 2014

Filed: October 6, 2014

[Unpublished]

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Before COLLOTON, BOWMAN, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Lowell Billy directly appeals after the district court<sup>1</sup> revoked his supervised release and sentenced him within the Chapter 7 advisory Guidelines range to 12

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<sup>1</sup>The Honorable Robert T. Dawson, United States District Judge for the Western District of Arkansas.

months and 1 day in prison. His counsel has filed a brief arguing that Billy's sentence is substantively unreasonable. His counsel has also moved for leave to withdraw.

Upon careful review, we conclude that the district court did not impose an unreasonable revocation sentence. *See United States v. Growden*, 663 F.3d 982, 984 (8th Cir. 2011) (per curiam) (describing appellate review of revocation sentencing decisions); *United States v. Petreikis*, 551 F.3d 822, 824 (8th Cir. 2009) (applying presumption of substantive reasonableness to revocation sentence within Guidelines range).

As for counsel's motion to withdraw, we conclude that allowing counsel to withdraw at this time would not be consistent with the Eighth Circuit's 1994 Amendment to Part V of the Plan to Implement The Criminal Justice Act of 1964. We therefore deny counsel's motion to withdraw as premature, without prejudice to counsel refiling the motion upon fulfilling the duties set forth in the Amendment.

Judge Colloton would grant counsel's motion to withdraw. *See United States v. Eredia*, No. 13-3538, slip op. at 2-3 (8th Cir. Oct. 2, 2014) (unpublished) (Colloton, J., concurring in part and dissenting in part).

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